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From: **Jacqueline F. Mahoney** Date **October 8, 2007**

Cover Sheet & **5** pages Client Number: **37167-8043.US00**

Return to **Lynn Kennelly** NAME **4415** EXT. OFFICE LOCATION

Original document(s) will be: sent to you via Courier held in our files

**RE: U.S. Patent Application No. 09/938,276 filed 08/22/2001
 For TISSUE SURFACE TREATMENT APPARATUS AND METHOD
 Renewed Petition under 37 CFR 1.47(a)**

I hereby certify that the enclosed Transmittal and documents listed thereon are being transmitted via telefacsimile to the U.S. Patent and Trademark Office, Office of Petitions, at (571) 273-8300 :

Date: **October 8, 2007** By **Lynn E. Kennelly**

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37167-8043.US00/LEGAL13627808.1

OCT 09 2007

Attorney Docket No. 37167-8043.US00

I hereby certify that this transmittal and the documents listed hereon are being transmitted to the U. S. Patent and Trademark Office, Office of Petitions, by facsimile at facsimile number (571) 273-8300, on the date shown below.

Date:

October 8, 2007

By:

Lynnea B. Kennelly

Lynnea B. Kennelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: MORRIS *et al.*

APPLICATION No.: 09/938,276

FILED: August 22, 2001

FOR: TISSUE SURFACE TREATMENT APPARATUS AND METHOD

EXAMINER: PEFFLEY, M.

ART UNIT: 3739

CONFIRMATION NO. 1933

Transmittal

Mail Stop Petitions
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Sir:

- Enclosed are: A Renewed Petition under 37 CFR §1.47(a)
 A new Declaration executed by the available joint inventor that contains the correct address for non-signing inventor David L. Morris.

- Fees: No fees are believed to be due with this submission. A check was previously submitted on June 29, 2007 which included the petition fee due in the amount of \$200.00.
 The Director is hereby authorized to charge any underpayment in fees (or credit any overpayments) to Deposit Account No. 50-2207.

Respectfully submitted,

Date: Oct. 8, 2007

 Jacqueline F. Mahoney
 Registration No. 48,390

Correspondence Address:
 Customer No. 22918
 (650) 838-4300

 10/11/2007 EMAILED 00080038 502267 09938276
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OCT 09 2007

Attorney Docket No. 37167-8043.US00

I hereby certify that this Renewed Petition and the newly signed Declaration listed herein as being enclosed are being transmitted to the U. S. Patent and Trademark Office, Office of Petitions, by facsimile at facsimile number (571) 273-8300, on the date shown below.

Date: October 8, 2007

By:



Lynnea B. Kennelly

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Morris et al.
 SERIAL No.: 09/938,276
 FILED: August 22, 2001
 FOR: TISSUE SURFACE TREATMENT
 APPARATUS AND METHOD

EXAMINER: Peffley, M.
 ART UNIT: 3739
 CONFIRMATION NO.: 1933

Renewed Petition under 37 C.F.R. §1.47(a)

Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

1. Applicants hereby request reconsideration of the PETITION DECISION mailed September 4, 2007 and submit this renewed Petition under 37 C.F.R. § 1.47(a), to make the present application on behalf of the omitted inventors, David L. Morris and Steve A. Daniel, who have refused to join in the application.

2. A grantable Petition under 37 C.F.R. § 1.47(a), to make the present application on behalf of the omitted inventor(s) requires (1) the petition fee of \$200.00; (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e); (3) a statement of the last known address of the non-signing inventors; (4) proof that a copy of the entire application was sent to or given to the non-signing inventor for review and proof that the non-signing inventor(s) refuses to join, or cannot be found or reached after diligent effort; and (5) a proper oath or Declaration executed by the available joint inventor(s).

37167-8043.US00/LEGAL13627967.1

Attorney Docket No. 37167-8043.US00

3. The Petition Decision acknowledged that Applicants have met requirements (1)-(4).
4. The Declaration executed by the available joint inventor and submitted with the Petition on July 3, 2007, contained the incorrect zip code for Mr. Morris.
5. Applicants enclose herewith a new Declaration executed by the available joint inventor that contains the correct address for non-signing inventor David L. Morris.

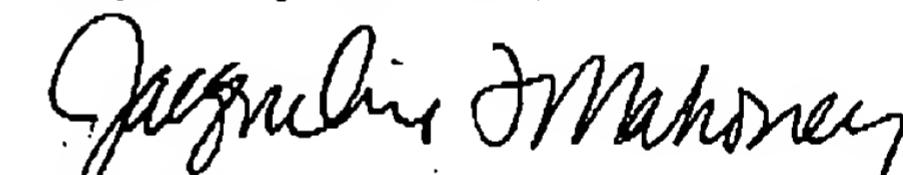
Conclusion

Applicants submit that the renewed petition complies with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §409.03(d).

Fee Payment

No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,


Jacqueline F. Mahoney
Registration No. 48,390

Date: Oct. 8/2007

Correspondence Address:

Customer No. 22918
Phone: (650) 838-4300

Attorney Docket No. 37167-8043.US00

3. The Petition Decision acknowledged that Applicants have met requirements (1)-(4).
4. The Declaration executed by the available joint inventor and submitted with the Petition on July 3, 2007, contained the incorrect zip code for Mr. Morris.
5. Applicants enclose herewith a new Declaration executed by the available joint inventor that contains the correct address for non-signing Inventor David L. Morris.

Conclusion

Applicants submit that the renewed petition complies with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §409.03(d).

Fee Payment

No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,

Jacqueline F. Mahoney
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Date: Oct. 8/2007Correspondence Address:

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